

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VIASAT, INC.,

Plaintiff,

vs.

**KIOXIA CORPORATION and KIOXIA
AMERICA, INC.,**

Defendants.

Case No.: 6:21-cv-01231-ADA

JURY TRIAL DEMANDED

CASE READINESS STATUS REPORT

Plaintiff Viasat, Inc. and Defendants Kioxia Corporation and Kioxia America, Inc. hereby provide the following status report.

SCHEDULE

A scheduling order has not yet been filed.

FILING AND EXTENSIONS

On November 29, 2021, Viasat filed its complaint alleging that Kioxia infringes one patent related to error correction for flash memory. The asserted patent is U.S. Patent No. 8,615,700.

There has been one extension to date. On December 10, 2021, the Court granted an extension for Kioxia to respond to the complaint by April 1, 2022.

RESPONSE TO THE COMPLAINT

Kioxia moved to dismiss the complaint on April 1, 2022. D.I. 29. Kioxia moved to dismiss Viasat's infringement claims under Rule 12(b)(6).

PENDING MOTIONS

Kioxia's motion to dismiss is currently pending. Viasat intends to amend its complaint by April 22, 2022. Rule 15(a)(B).

RELATED CASES IN THIS JUDICIAL DISTRICT

Viasat also asserts the '700 patent in *Viasat, Inc. v. Western Digital Corp.*, 6:21-cv-01230-ADA.

IPR, CBM, AND OTHER PGR FILINGS

There are no known IPR, CBM, or other PGR filings.

NUMBER OF ASSERTED PATENTS AND CLAIMS

Viasat has asserted 1 patent and one illustrative claim in the complaint. Viasat will serve its preliminary infringement contentions, in which it will assert additional claims, no later than seven days before the CMC.

APPOINTMENT OF TECHNICAL ADVISOR

The parties do not request a technical advisor to be appointed to the case.

MEET AND CONFER STATUS

Plaintiff and Defendant met and conferred. The parties have no pre-*Markman* issues to raise at the CMC.

Dated: April 8, 2022

Respectfully submitted,

/s/ Melissa R. Smith

Melissa R. Smith, State Bar No. 24001351
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
Email: melissa@gillamsmithlaw.com

J. Scott McBride (*Pro Hac Vice*)
Matthew R. Ford (*Pro Hac Vice*)
Nevin M. Gewertz (*Pro Hac Vice*)
BARTLIT BECK LLP
54 W. Hubbard Street, Suite 300
Chicago, IL 60654
Telephone: (312) 494-4400
scott.mcbride@bartlitbeck.com
matthew.ford@bartlitbeck.com
nevin.gewertz@bartlitbeck.com

Nosson D. Knobloch (*Pro Hac Vice*)
Meg E. Fasulo (*Pro Hac Vice*)
BARTLIT BECK LLP
1801 Wewatta Street, Suite 1200
Denver, CO 80202
Telephone: (303) 592-3100
nosson.knobloch@bartlitbeck.com
meg.fasulo@bartlitbeck.com

Counsel for Plaintiff

/s/ Robinson Vu

Robinson Vu, State Bar No. 24047046
Michael Hawes, State Bar No. 24010761
Michael Silliman, State Bar No. 24093152
Spencer Packard, State Bar No. 24125823
Bradley Bowling, State Bar No. 24040555
BAKER BOTTS L.L.P.
910 Louisiana Street
Houston, Texas 77002
Telephone: (713) 229-1234
robinson.vu@bakerbotts.com
michael.hawes@bakerbotts.com
michael.silliman@bakerbotts.com
spencer.packard@bakerbotts.com
bradley.bowling@bakerbotts.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that, on April 8, 2022, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF System, which will then send a notification of such filing (NEF) to counsel of record for Lauri Valjakka.

/s/ Melissa R. Smith